

Harry L. Samuel

Plaintiff,

v.

C.A. No. 05-037-SLR

First Correctional Medical

Defendants,

Plaintiff, Response to Defendants, First Correctional Medical's First Set of Interrogatories Directed to Plaintiff

Plaintiff, Submit that Plaintiff Response is Drafted by a Pro se litigate then those Drafted by attorneys.

1. Harry Levoy Samuel

B 8-17-62, Chester, PA

d Single

e Single

f Delaware Correctional Center, 1181 Paddock Road  
Smyrna, Delaware 19977

g 188-50-5731, objection no bearing on claims Presented.

h height 5' 7", weight 200 Pounds and/or Plaintiff had Pain in Plaintiff big back tooth from Plaintiff Decayed, Chipped tooth Plaintiff had Pain, discomfort and suffering in Plaintiff mouth and tooth from being forced to wait almost a year for treatment /Filling (s). [Plaintiff hand, wrist and should injured while sitting in the Dental Chair during treatment]

2. William Penn High school Basin road, New Castle Delaware.  
James Grove High school, Marshelton DE. (Diploma) 1983.

3. NO. enlist a few times did not Pass written test.

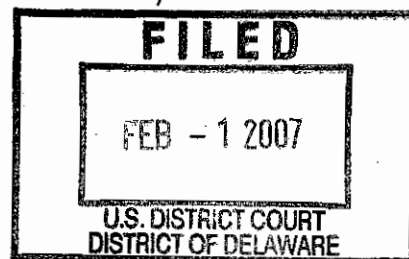
4. Plaintiff has four children, objection no bearing on claims Presented.

b Harry Samuel Jr. May 8, 1983

Regina Parks..... N/A

Branden Perez..... N/A

Emanuel Oals... N/A



5. Yes,

Plaintiff was in a car accident. Court 11, ordered Plaintiff to pay one hundred dollars for a small truck Bumper. Plaintiff, do not obtain Plaintiff Criminal history record at this time as the nature of this matter and Related Counts. This accident happened about or over 20 Years ago, and assault in a detention facility.

Plaintiff was sent to work Release for family Court contempt of court until Plaintiff pay 1,000 dollars. At which time Plaintiff was convicted of assaulting two Counselors. Offenses: Assault in a detention facility 20 Years.

Assault in a detention facility 8 Years.

Possession of a deadly weapon during the commission of a felony 20 Yrs  
POADWDCAF, 20. POADWDCAF, 15. POADWDCAF, 15. (Total Weapons 70 Yrs  
Total Sentence 98 Years. June 15, 1993 Superior Court Wilm., DE.

6. Delaware Correctional Center, Smyrna, Delaware 19977

around about December, 2000 Plaintiff work in C-Building Kitchen as a food server. A few month before Plaintiff delivered Ice to the Inmates and staff. Food server payed about 9.60 a month, Ice Man Job payed 2.40 a month. May 5, 2001, Plaintiff worked in the MHU, Kitchen as food server. about 30 dollars a month services was to wash dishes and serve food to inmates for Chow and Clean up Kitchen, take stock inventory. Hours worked 5 a day at 24 cent a hour. termination 9-7-2004 as Part of complaint (Classification abuse of discretion). 1-11-07, started Job as Laundry worker, hand out Clean Sheets, pay about 10.00 a month.

7. Yes.

Plaintiff was in a car accident other Party fault by speeding rear ended Plaintiff Car and totaled Plaintiff Car other Party Cited for DWI. Plaintiff was awarded about 7 thousand for back injuries, Plaintiff was represented by Counsel other information N/A.

Plaintiff was assaulted by a Inmate. Plaintiff about 1995, Plaintiff filed suit in District Court Plaintiff did not know how to litigate therefore case may have been dismissed. other information N/A.

Plaintiff file suit in District for guard writing Plaintiff up on false Charges. Case was dismissed because Plaintiff did not file saction exhibit(s). date filed may be about 2002.

8. No. (FCM and CMS as to this claim)
9. See Response to number 7. (Thomas Carroll et al., as to this claim).
10. Plaintiff, Claim Cruel and unusual Punishment for violation of the 8th amendment by Inadequate Treatment, Delay of treatment, Pain and Suffering and Discomfort As First Correctional Medical was deliberate Indifferent to Plaintiff Serious Medical/Dental need(s)
11. Plaintiff is a Pro se litigant. See Response Number 10.
12. 10-7-04
13. Plaintiff was examined by a ~~dentist~~ ~~dentist~~ Dentist assistant on 10-7-04. Plaintiff submitted a grievance report that same day.
14. See Response Number 10.
15. See Response Number 10.
16. Plaintiff had Pain, Discomfort, Suffering, the tooth chipped more without the support of a filling to eat and gingivitis (Plaque) developed around the tooth and ate some of the bone away that hold(s) the tooth. [Plaintiff hand, wrist and shoulder] while being treated/examined in dental chair cuffed behind back.
17. Plaintiff had Pain and a Decayed Tooth. Plaintiff was forced to undue suffering by First Correctional Medical long Delay of Treating /filling Plaintiff tooth. gingivitis developed around the tooth and ate some of the bone away that holds the tooth. Plaintiff had a big hole in Plaintiff tooth and seriously affected Plaintiff ability to eat and talk.
- b To the extent that this Interrogator Discovery was Directed to the Medical Provider First Correctional Medical by Plaintiff, Discovery Request and District Court order to Compel Discovery. CMS Treated Plaintiff Condition at the Delaware Correctional Center Smyrna, DE., Dentist name unknown at this time as far as filling and Cleaning Plaintiff. Plaintiff teeth has not been Braced which
- c affect Plaintiff ability to talk

- d Plaintiff tooth was filled/Treated by CMS. The bone lost that hold the tooth from the long Delay in treatment may be Permanent because the bone may not grow back.
- e Dentist (Medical Provider CMS) at Delaware Correctional Center Smyrna, DE.
- f
- g FCM, CMS, and Grievance Committee Report. To the extent that this Discovery was Directed to First Correctional Medical.
- 18. To the extent that Plaintiff Dental Records are in the Possession of the Medical Provider(s)
- 19. Plaintiff was not examined until 10-7-04. Sick call slip submitted 9-3-04.
  - a Plaintiff had a chipped tooth.
  - b Beginning of September, 2004. ~~UNHAPPY~~ as far as how condition of tooth: Decay and Delay.
  - c To the extent that this Discovery was Directed to Defendant(s) FCM, as this Discovery can be obtain From FCM and CMS., the Medical Provider(s).
- 20. CMS, Delaware Correctional Center Treatment. FCM, examinations, Delaware Correctional Center. Smyrna, DE. FCM No Treatment
  - b 10-7-04 FCM examination Charges N/A if any. 9-7-05 4.00 Dental Charge to Treat/Fill Plaintiff tooth
  - c This Discovery is in the Possession of FCM Providers as this Discovery was Directed to FCM.
  - d See Medical Records, Sick Call Slips and Grievance Report.
  - e See Medical Records, Sick Call Slips and Grievance Report.
  - f see Plaintiff Submitted Document filed simultaneously hereto.
- 21. Plaintiff had a Big hole in Plaintiff tooth and Pain. The Dentise said Plaintiff teeth are not that bad as Far as Plaque However the Dentist said gengervitist disease developed around Plaintiff untreated/unfilled tooth and ate some of the bone that hold(s) the tooth.

b Pain, suffering and teeth became more abnormal see Medical Grievance Report (~~XXXXXX~~ Braces)

c Yes, CMS has medical/Dental, X Ray, see Medical Records and Grievance Report.

d See grievance Report. CMS treated Plaintiff tooth(s) October 7, 04, at the Delaware Correctional Center.

e No

22. about year 2000 Plaintiff was examined by a Dentist (Dee?) of CMS for abnormality of Plaintiff front teeth (Braces) at D.C.C.

b Plaintiff was told Plaintiff needed Braces by Dentist Dee and Dentist instructed Plaintiff that the warden had to approve Braces at a outside Hospital. Thereafter the Plaintiff wrote 2 letters to the warden about Plaintiff Dental Problem see 2 letters from warden Thomas Carroll of Complaint Dated

c Dentist Dee? see 2 letter from Thomas L. Carroll Dated October 26, 2001 and November 20, 2001.

23. Yes, First Correctional Medical, Inc. Contracted with the Delaware Department of Correction to Provide medical Care for inmates incarcerated at State of Delaware Penal Institutions including Delaware Correctional Center. FCM was solely responsible for providing Medical/Dental care for inmates incarcerated by DOC. Specifically, between ~~XXXXXX~~, ~~XXXXXX~~ 9-3-2004 and 6-30-2005. FCM was responsible for the Staffing, Policies, Procedures, Protocol, staff qualifications, staff training and staff education required to meet the medical/Dental needs of inmates. However, FCM failed to give Plaintiff adequate Dental Care and FCM was deliberately indifferent to Plaintiff serious Dental need(s) by allowing Plaintiff to have Pain and Suffer for a long Delay/Denial for non Medical reasons.

24. It is undisputed that the state of Delaware has an obligation to Provide adequate medical/Dental to individuals who are incarcerated in its Prison. However, FCM Contracted to Provide adequate Medical/Dental Care. Plaintiff was Deprived adequate Dental Care as Plaintiff had Pain and Suffering because FCM Delayed/Denied Plaintiff treatment for almost one year.

- b. To the extent that this Discovery was Directed to FCM. see Medical Records, Sick call slips and Grievance
- c FCM Delayed Plaintiff treatment for almost a Year for non-medical reason.
- d 9-3-04 to 6-30-05 at Delaware Correctional Center.
- e cruel and unusual Punishment 8th amendment.
- f FCM contracted with the state of Delaware Department of Correction to Provide medical/Dental Care for inmates incarcerated at state of Delaware Penal institutions.
- g To the extent that this Discovery is Directed to FCM, also see Medical records, Sick call slip signature and Grievance.
- h see FCM Medical records, Grievance and FCM Policy and Procedure

## 25. Yes in Part

- a To the extent this Discovery is Directed to FCM if she was qualified to undertake the type of Treatment/examination she(s) gave.
- b, c, d, e, f, g, e, f, g, h, (to all the above) ~~Plaintiff's Dental Care~~ Dentist/Dentist assistant Delayed Plaintiff treatment do to inadequate Procedure(s) and Non-Medical reason(s).
- I To the extent that this Discover is Directed to FCM, the name of the Dentist and Dentist assistant Dentist, that examined Plaintiff. Also See Grievance.

## 26. Yes in Part

- a, b, c, d, e, f, g, h, I. (to all the above) See Response to Answer 25.

## 27. FCM, FCM Staff, also See Grievance Report.

## 28. Yes

- a 10-7-04 Delaware Correctional Center.
- b To have Plaintiff tooth Treated/Filled, and Braced.
- c Yes, ~~Plaintiff's Dental Care~~ It take 8 to 9 months to Fill a tooth.
- d Yes, 10-7-04, Verble. also See Grievance Report.

## 29. Defendant was inadequate by Delaying/Denying Plaintiff treatment for over 10 months. also Defendant did not inform, instruct or warn the Plaintiff on the Pain in Plaintiff tooth or that the tooth could Crack more, and expose the tooth nerve by eating without a filling.

- b Defendant inform it take 8 to 9 months to Fill a tooth.

- 1 See a, b, above.
- 2 Yes, Plaintiff tooth chip more
- 3 Defendant inform it take 8 to 9 months to treat Plaintiff, However, after 10 months delay Defendant did not Treat Plaintiff at all.
30. Yes,
  - 1 It take 8 to 9 months to fill a tooth.
  - 2 Delaware Correctional Center
  - 3 Harry Samuel Plaintiff, See Grievance Report.
  - 4 Harry Samuel Delaware Correctional Center, Dentist and Dentist assistant Name at D.C.C., N/A as this Discovery is Directed to First Correctional Medical.
31. Plaintiff Claim Defendant acts and omissions sufficiently harmful to evidence deliberate indifference to serious medical need. Defendant FCM, Delayed Plaintiff Treatment for 10 months and more, 10-7-04 to 1-6-30-05 Delaware Correctional Center.
32. Plaintiff tooth should of been filled and Braced.
33. Plaintiff should of had adequate medical care by a Dentist/Doctor
34. 10-7-04, Plaintiff at time of treatment by CMS, needed another tooth filled.
35. Defendant Delay treatment
  - a 10-7-04 (11-1-04) to 9-7-05
  - b Plaintiff, had a big hole in Plaintiff tooth, Pain, Discomfort, Suffering and stress.
  - c 10-7-04, (sick call submitted 1-3-04)
36. See Bureau Chief recommendations in grievance Report. Also FCM Policy number: D1 Page 3, 4, D-3 Page 2, D-7 Page 2, 3. Also 8th amendment
37. Plaintiff did not sign off on grievance.
38. See Answer to Number 37.
39. Plaintiff did not agree to a 8 to 9 month delay for Treatment.
40. NO.
41. Plaintiff did not sign
42. NOT in the affirmative
43. It take 8 to 9 month to fill a tooth.
44.
  - a 10-7-04 See Grievance Report.
  - b Delaware Correctional Center
  - c To the extent that this Discovery is Directed to the Defendant FCM.
45. Yes
  - 1 more Pain, the tooth could crack, Plaintiff could lose tooth.
  - 2 more Pain, tooth could crack and expose the nerve could lose tooth.
  - 3 9-3-04 (sick call submitted seen 10-7-04)
  - 4 Plaintiff had Pain in Plaintiff tooth and a Big hole.

46. ~~was~~ tolded Plaintiff it take 8-9 month to fill a tooth.
47. a Warn Plaintiff it take 8-9 month to fill a tooth.  
 b 10-7-04  
 c Plaintiff said 8 to 9 months is to long duration about 10 minites (15)
48. Inadequate medical care By a long Delay in Plaintiff Serious medical need by Deliberate indifference. A 8th amendment claim.
49. Yes.
50. Defendant response do to back log.
51. Plaintiff Claim a 8 to 9 month Delay is unexceptable.
52. Cruel and unusual Punishment; 8th amendment
53. Plaintiff Claim defendants acted in a way in which constituted a intentional §1983 8th amendment.
54. Plaintiff claim defendants acted in a way which constituted an Eighth amendment violation.
55. 9-7-04 to 6-30-05
56. Dentist and/or Dentist assistant and FCM caused the 8th amendment violations.
57. FCM Delay Plaintiff treatment for a long Delay.
- b To the extent that the names and title of each Person who Delayed Plaintiff treatment is Directed to FCM, by Court order, and or by Plaintiff. See Grievance.
- c Plaintiff had a Serious Medical need, Defendants was aware of that need as FCM was deliberately indifferent to Plaintiff serious Medical need.
- d 9-7-04 to 6-30-05, Delaware Correctional Center.
- e 8th amendment, FCM Policy
- f FCM contracted with the Delaware department of Corrections to Provide adequate Medical care to Inmates who it has incarcerated.
- g Thomas Carroll (Warden), FCM/Dentist, See Grievance.
- h See Grievance, FCM Policy
58. Yes
59. Yes
60. FCM
- b the Procedures of a long 8 to 9 month Delay.
- c Plaintiff Claim Federal law.
- d a 8 to 9 month for tooth repair is a unexceptable Standard of Decency of Standard of Care Provided in the medical Community.

61. See grievance, Delaware Correctional Center, FCM Dentist/assistant  
 b See grievance
62. See grievance
63. see grievance
64. Plaintiff submitted 2 letters from 2 Inmates stating they received inadequate Dental care.  
 a ~~Plaintiff N/A~~, Delaware Correctional Center and ~~Plaintiff N/A~~. See grievance.  
 b, c, d, See sick call slip report and grievance.
65. a, b, c, See grievance.
66. X-Ray  
 a 9-7-05  
 b CMS, Delaware Correctional Center.  
 c Dentist office at Delaware Correctional Center.  
 d Plaintiff tooth in Complaint.  
 e N/A, in Possession of CMS.
67.  
 a verble  
 b 9-7-05, Delaware Correctional Center.  
 c CMS, Delaware Correctional Center
68. NO.
69. a and b, see grievance
70.  
 a Harry Samuel, FCM, CMS, See grievance.  
 b see grievance.  
 c see grievance.
71. a, b, c, d, See grievance Report.
72. a, b, c, d, see grievance
73. expert witnesses not required for Claim of Inadequate Medical Care, (a, b, c, d, e).
74. This is the only suit to the incident with defendants named in suit.
75. Plaintiff is a State Inmate the State/Contract Medical Provider (FCM) has a obligation to Provide adequate Medical Care to Inmates it incarcerate. Plaintiff has NO insurance.
76. Not in the affirmative.
77. NO. in regard to the Claims in Complaint.
78. N/A, Plaintiff Payed 4.00 to have CMS treat Plaintiff tooth(s).
79. see 78, above.

80. Plaintiff has no insurance. See Answer/Response number 75.

81. a: Filling Plaintiff tooth(s).

- b. 4.00 For Filling and about 3.00 for Pain relievers (Tylenal)
- C CMS and Plaintiff Purchase Tylenal from the canteen and filing fee of litigation 150.00.

82. Plaintiff needed a filling and Brace(s)

83. Plaintiff developed gengervitise around the tooth and ate some of the bone that hold the tooth.

84. Plaintiff had Pain in Plaintiff tooth from the beginning of September, 04, to 9-7-05. This unpleasant condition and delay cause Plaintiff, to suffer. Plaintiff, still need Brace(s).

85. In regard to Plaintiff teeth Plaintiff still need Braces(s).

86. NO.

87.

a 4.00 Dental fee and 150.00 filing fee.

b N/A if any.

c N/A if any.

d N/A if any.

e N/A if any.

88. See Response to Answer number 87.

89. Plaintiff has been incarcerated for the past 14 years.

b NO.

c Response is NO.

d NO. To the extent Plaintiff tax Return has no bearing on the Claims Presented.

e Response was NO. Also there is no attached authorization form that Plaintiff can see.

90. Plaintiff had to mail legal mail from 1-25-2005 to Party(s) and court. amounts of such losses N/A

b Claim is not made for nursing service or household help.

c Dental Fee 4.00 See Health care Services Fee sheet 9-7-2005.

suit fee 150.00 Document was signed and returned to court also see Partial Filling Fee 17.00 Document.

d See Produced Documents Health care Services fee sheet 9-7-2005. and Partial Filling fee Document.

91. Plaintiff Requested Discovery from Dana Spring Monzo (FCM) 1225 N. King Street Wilmington, DE.

IF I, can be of any further assistance Please contact Plaintiff.

Date 1-27-2005

Harry L. Samuel pro se